

DRAFT MINUTES
BOARD OF OSTEOPATHIC MEDICINE
August 24-25, 2012

Swan/Dolphin Resort
1500 Epcot Resorts Blvd.
Orlando, FL 32809
(888) 828-8850

Friday, August 24, 2012

The meeting was called to order by Dr. Burns, Chair, at 4:00 pm. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Ronald Burns, D.O., Chair
Rina Malan, Vice Chair, Consumer
Joel Rose, D.O.
Anna Hayden, D.O.
Bridget Bellingar, D.O.

STAFF PRESENT:

Anthony Jusevitch, Executive Director
Christy Robinson, Program Operations Administrator
Betty Bates, Regulatory Specialist II
Donna McNulty, Esq. – Board Counsel
Michael Lawrence, Esq. – DOH Prosecutor
William Miller, Esq. – DOH Prosecutor

MEMBERS ABSENT:

James S. St. Louis, DO (excused)

OTHERS PRESENT:

Martha Brown, MD, PRN

COURT REPORTER:

American Court Reporting
Suzette Bragg
850-421-0058

Please note that the meeting minutes reflect the actual order that agenda items were discussed during the meeting and may differ from the agenda outline.

PLEDGE OF ALLEGIANCE AND PLEDGE OF OSTEOPATHIC COMMITMENT

REVIEW AND APPROVAL OF MINUTES

Tab 33 – May 11, 2012 Meeting Minutes

Action Taken: Dr. Hayden moved to approve the minutes with one correction on page 9. Dr. Rose seconded the motion, which passed unanimously.

LICENSURE APPEARANCES

Tab 31 – William C. Bisset, D.O.

Dr. Bisset was present without counsel. Dr. Bisset was not required to appear, however his appearance was moved from Saturday's agenda due to an error in his meeting notice. His file was being presented to the Board to discuss his application and default on his student loan.

Dr. Burns stated for the record the good cause reason for moving the agenda item was due to staff sending the applicant an incorrect meeting notice and indicated the Board would ratify their decision during Saturday's meeting in the abundance of caution.

Action Taken: Dr. Burns moved to accept the appearance and approve the application for licensure. Dr. Hayden seconded the motion, which passed unanimously.

PROSECUTION SERVICES REPORT

Mr. Lawrence provided an overview of the current caseload statistics.

GENERAL BUSINESS / CORRESPONDENCE

Tab 34 – Correspondence from Affiliated Monitors, Inc.

The Board asked that they be invited to give a presentation at the November meeting.

BOARD CHAIR REPORT – Ronald Burns, DO

Dr. Burns welcomed the newest Board Member, Dr. Bellingar.

Tab 35 – Discussion Regarding Continuing Education Imposed as Disciplinary Action

Dr. Burns voiced concern with confusion surrounding the review and acceptance of continuing education imposed as discipline. He indicated there should be consistency with respect to the types of courses being required and asked the Board to provide direction to assist the Department staff.

Action Taken: Dr. Burns moved to require AOA Category 1-A CME as primary source for discipline imposed hours with AMA Category 1-A /PRA CME to be accepted if AOA hours are not available. Ms. Malan seconded the motion, which passed unanimously.

No Tab – Discussion of Meeting Dates

Dr. Burns asked the Board to consider changing the November 2012 meeting due to a conflict with his schedule. It was the consensus of the Board to change the date to November 2-3, 2012.

After additional discussion the following changes were made to the 2013 meeting dates:

- February 15, 2013 (Friday only) in Tampa
- May 2013 meeting (no changes)
- August 23-24, 2013 in WPB or Ft Lauderdale area (Friday portion to start at 2:00 pm)
- November 2013 meeting (no changes)

BOARD COUNSEL REPORT AND RULES DISCUSSION – Donna McNulty, Esq.

Tab 36 – Update Regarding Approval of Department of Health/Board Applications and Forms

Ms. McNulty informed the Board that J.A.P.C. ruled the Boards were responsible for updating and approving applications and forms.

Tab 37 – Discussion Regarding Amendments to 459.005, F.S. (HB1263) and Possible Rule Revisions

Ms. McNulty informed the Board of the potential impact of HB 1263 on the Office Surgery rules. She indicated the only rule that should require updating would be 64B15-14.007 and asked the Board to open the rule for development.

Action Taken: Dr. Burns moved to open rule development. Ms. Malan seconded the motion, which passed unanimously.

Dr. Hayden voiced concern about the “time out” rule. Ms. McNulty advised the Board of Medicine was in the process of reviewing their time out procedure rule and she would bring language in the future for the Board’s review.

Tab 38 - Discussion Regarding Physician Assistant Rules, Forms and Legislation

64B15-6.003 – Physician Assistant Licensure:

Ms. McNulty advised the Board that HB 363 required rule 64B15-6.003 - Physician Assistant Licensure and the applicable forms to be modified.

Action Taken: Dr. Burns moved to approve the language and forms as presented and proceed with rulemaking as appropriate. Ms. Malan seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation; no SERC was needed; and the rule would not require legislative ratification. Dr. Rose seconded the motion, which passed unanimously.

64B15-6.013 – Physician Assistant Fees:

Ms. McNulty indicated that rule 64B15-6.013 also required updating due to HB363.

Action Taken: Dr. Burns moved to approve the language as presented and proceed with rule making as appropriate. Dr. Bellingar seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation; no SERC was needed; and the rule would not require legislative ratification. Ms. Malan seconded the motion, which passed unanimously.

64B15-6.0035 – Physician Assistant Licensure Renewal and Reactivation:

Ms. McNulty indicated that rule 64B15-6.0035 also required updating due to HB363.

Action Taken: Dr. Burns moved to approve the language as presented and proceed with rule making as appropriate. Dr. Rose seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation; no SERC was needed; and the rule would not require legislative ratification. Ms. Malan seconded the motion, which passed unanimously.

EXECUTIVE DIRECTOR REPORT – Anthony Jusevitch

No Tab – PCP Meeting Volunteers

Mr. Jusevitch asked for volunteers to participate on the probable cause panel meetings for the remainder of the year. Dr. Bellingar volunteered for the 10/22/12 meeting, Ms. Malan volunteered for the 11/7/12 meeting and Dr. Hayden volunteered for the 12/12/12 meeting.

Tab 39 – Discussion Regarding Delegation of Authority for Licensure Applicants (Matrix)

Mr. Jusevitch presented a draft delegation of authority that would assist in streamlining the licensure process for applicants with certain issues. The Board suggested the following changes to the proposal:

Category I (bad checks and municipal ordinances) – No changes to proposal

Category 2 (all misdemeanors except bad checks):

- If the offense(s) is/are less than five years old staff will forward file to the Chair for review
- If there is one or more offense(s) and they are all over 10 years old staff can clear

Category 3 (all felonies) – No changes to proposal

Applicants in a PTI Program – No changes to proposal

Applicants with Disciplinary Action:

- Delete section 3(a) iii
- Delete section 3(b) ii and iii

Applicants with Training History – No changes to proposal.

Letters of Recommendation – No changes to proposal.

Action Taken: After discussion, Dr. Hayden moved to approve the delegation of authority matrix with the changes indicated. Dr. Burns seconded the motion, which passed unanimously.

COUNCIL ON PHYSICIAN ASSISTANTS REPORT – Ronald Burns, DO

Tab 40 – May 31, 2012 PA Council Meeting Minutes

Dr. Burns provided a report from the Physician Assistant Council meeting.

Tab 41 – August 2, 2012 PA Council Meeting Minutes

Dr. Burns provided a report from the Physician Assistant Council meeting.

ANESTHESIOLOGY ASSISTANTS COMMITTEE REPORT – Ronald Burns, DO

No report.

BUDGET LIAISON REPORT – Rina Malan

Tab 42 – Expenditures by Function for the Period Ending 3/31/2012

Ms. Malan provided an overview of the report.

PHARMACISTS FORMULARY REPORT - Joel Rose, DO

No report.

UNLICENSED ACTIVITY REPORT

No report.

RATIFICATION OF LICENSURE

Tab 43 - Ratification of Licenses Issued 1/14/2012 – 7/14/2012 (Full Licensure)

Action Taken: Dr. Hayden moved to approve the list as presented. Dr. Bellingar seconded the motion, which passed unanimously.

Tab 44 - Ratification of Licenses Issued 1/14/2012 – 7/14/2012 (Training Registration)

Action Taken: Dr. Burns moved to approve the list as presented. Ms. Malan seconded the motion, which passed unanimously.

Tab 45 - Ratification of Licenses Issued 1/14/2012 – 7/14/2012 (Limited Licensure)

Action Taken: Dr. Hayden moved to approve the list as presented. Dr. Bellingar seconded the motion, which passed unanimously.

Tab 46 - Ratification of Licenses Issued 1/14/2012 – 7/14/2012 (Expert Witness Certificate)

Informational item- no action taken.

OLD BUSINESS

NEW BUSINESS

Dr. Hayden advised the members that she is currently on the Federation of State Medical Boards' (FSMB) Uniformed Application Committee. Dr. Burns noted he was on the FSMB's physician re-entry committee.

The meeting recessed at 6:00 p.m.

**SATURDAY, August 25, 2012
9:00 am**

PETITIONS FOR VARIANCE OR WAIVER

Tab 1 – Bodo Pyko, D.O. Petition for Variance or Waiver of 64B15-14.0051(6), F.A.C.

Petition was previously withdrawn from the agenda.

PROBATION AND COMPLIANCE REVIEW

Tab 6 – David Glickman, DO – Probation Appearance with Monitor

Dr. Glickman was present without counsel. His proposed monitor Gerardo Perez, MD was present.

Action Taken: Dr. Burns moved to approve the appearance and monitor. Dr. Hayden seconded the motion, which passed unanimously.

Tab 2 - Paul Kuehner, DO – Termination of Probation and Request to Modify Final Order

Dr. Kuehner was present and represented by, Christian Spake, Esq. Dr. Kuehner indicated he was having difficulty finding a CME course on the topic required by his Final Order.

Action Taken: Dr. Rose moved to make the following modification to the Final Order in place of the CME course:

- Dr. Kuehner can shadow a radiologist at Radiology Regional for a minimum of 8 hours; must review a minimum of 80 cases;
- He must submit a report/log that includes the following information for each case reviewed: a synopsis of the case, clinical diagnosis and radiological diagnosis; the report must be in affidavit format and signed by the chief radiologist and must contain the number of hours Dr. Kuehner participated.

Dr. Hayden seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Burns moved to accept the appearance and termination of probation. Dr. Rose seconded the motion, which passed unanimously.

Tab 3 – Linda Meehan, DO – Request to Reinstate License

Dr. Meehan was present without counsel. Dr. Meehan was required to appear before the Board prior to reinstatement of her suspended license.

Action Taken: Dr. Burns moved to accept the appearance and reinstate the license. Dr. Hayden seconded the motion, which passed unanimously.

Tab 4 – Mark Pamer, DO – Probation Appearance with Monitor

Dr. Pamer was present and represented by, Edwin Bayo, Esq. His proposed monitor Ravi Mehan, DO was present. Dr. Brown with PRN was also present

Action Taken: Dr. Hayden moved to accept the appearance and approve his monitor. Ms. Malan seconded the motion, which passed unanimously.

Tab 5 – Dominic Riganotti, DO – Probation Appearance with Monitor

Dr. Riganotti was present without counsel or his proposed monitor. Dr. Brown with PRN was present. Dr. Riganotti advised the Board that his monitor was currently out of the country.

Action Taken: Dr. Hayden moved to extend the temporary approval of the monitor until the next board meeting. Dr. Rose seconded the motion, which passes unanimously.

NEW DISCIPLINARY CASES

Dr. Burns asked if there were any settlement agreement cases that could be voted on without discussion. It was indicated Tab 10 was the only case that could be handled in this manner.

Tab 10 – David Neal Socoloff, DO – DOH Case #2009-03868 – Settlement Agreement

Allegations of Complaint: 459.015(1)(g) – failure to comply with a statutory or legal obligation; 459.015(1)(pp) – violate a law or rule of the Board

Dr. Socoloff was not present or required to appear. Ms. Malan was recused due to participation on the Probable Cause Panel. Mr. Lawrence advised costs in the case were \$432.08.

Action Taken: Dr. Burns moved to accept the settlement agreement as presented.

- Letter of Concern
- \$1000.00 Fine
- \$432.08 in Costs
- Completion of 6 hours of continuing education to include 2 hours in the Prevention of Medical Errors and 1 hour in Laws Related to Controlled Substances within 18 months of the Final Order

Dr. Rose seconded the motion, which passed unanimously.

Global Correction of Terms in the Settlement Agreements:

Ms. McNulty noted several of the Settlement Agreements contained incorrect courses titles or terminology. She suggested the Board orally amend all Settlement Agreements.

Action Taken: Dr. Burns moved to find the Florida Medical Association laws and rules and medical records courses were deemed a Board approved equivalent courses and all references to the Probation Committee should be changed to the Board or Chair as appropriate. Dr. Rose seconded the motion, which passed unanimously.

Tab 7 – Sheryl Lavender, D.O. – DOH Case #2010-11056 – Settlement Agreement

Allegations of Complaint: 456.072(1)(q)- violating an order of the Board; 459.015 (1)(g) – fail to perform a statutory or legal obligation (practicing without a valid license).

Dr. Lavender was present and represented by Kevin Raudt, Esq. Mr. Miller represented the Department and presented the case to the Board. Dr. Hayden was recused due to participation on the Probable Cause Panel.

Action Taken: Ms. Malan moved to accept the Settlement Agreement as presented. Dr. Bellinger seconded the motion, which failed 3/2.

Dr. Burns moved to reject the Settlement Agreement as proposed. Dr. Rose seconded the motion, which passed with Ms. Malan opposed.

After additional discussion, Dr. Rose moved to offer a counter Settlement Agreement which added a one year suspension of license.. Dr. Burns seconded the motion, which failed 2/2.

After further discussion, Ms. Malan moved to offer the following counter Settlement Agreement:

- Reprimand
- \$5,000.00 fine to be paid within one year of the Final Order
- \$2,000.00.00 in costs to be paid within one year of the Final Order
- Suspension for 3 months with jurisdiction reserved to impose additional terms of probation at the time of reinstatement

Dr. Bellingar seconded the motion, which passed unanimously.

Both parties accepted the terms of the counter offer for the record.

Tab 12 – Sherry Morris, D.O. – DOH Case #2011-06866 - Settlement Agreement

Allegations of Complaint: 459.015(1)(b) – discipline in another state

Dr. Morris was not present but was represented by Edwin Bayo, Esq. Mr. Lawrence represented the Department and presented the case to the Board.

Action Taken: After much discussion, Dr. Rose moved to reject the Settlement Agreement as presented. Dr. Hayden seconded the motion which passed unanimously.

Dr. Rose moved to offer a counter Settlement Agreement of revocation. Dr. Hayden seconded the motion, which passed unanimously.

The respondent was given fourteen days to accept or reject the counter offer.

Tab 8 – Stewart E. Kopp, D.O. – DOH Case #2010-12511 – Settlement Agreement

Allegations of Complaint: 459.015(1)(aa) – delegating to an unlicensed/unqualified person; 459.015(1)(g)(2 counts) – fail to comply with a statutory or legal obligation

Dr. Kopp was present and represented by Edwin Bayo, Esq. Mr. Lawrence represented the Department and presented the case to the Board. Dr. Rose was recused due to participation on the Probable Cause Panel.

Action Taken: Dr. Hayden moved to accept the Settlement Agreement as presented:

- Letter of Concern
- \$5000.00 fine
- \$2048.71 in costs
- Completion of the “Legal and Ethical Implications in Medicine Physician’s Survival Guide – Laws and Rules” course administered by FMA within 1 year of the order.
- Completion of the “Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Prescribing” course sponsored by UF within 1 year of the order.

Ms. Malan seconded the motion, which passed unanimously.

Tab 9 Gary Blumberg, D.O. – DOH Case #2009-23127 – Settlement Agreement

This item was pulled from agenda due to lack of a quorum.

Tab 11 – Christine Rose Chico, D.O. – DOH Case #2011-15168 & 2001-13668 – Settlement Agreement

This item was pulled from the agenda by the Department.

Tab 13 Robert Wilcox Wilson, D.O. – DOH Case #2010-15111 – Settlement Agreement

Allegations of Complaint: 459.015(l)(x) - malpractice; 459.015(1)(o) – medical records violation

Dr. Wilson was present and represented by Carol Lanfri, Esq. Mr. Lawrence represented the Department and presented the case to the Board. Dr. Rose was recused due to participation on the Probable Cause Panel.

Action Taken: Dr. Hayden moved to approve the Settlement Agreement as presented and approve the ABOP course as acceptable for the 6 hour CME course:

- Letter of Concern
- \$5000.00 fine
- \$4854.45 in costs
- Completion of 6 hours of Category 1-A continuing medical education in the area of pediatric patient examination and assessment within 1 year of the order
- Completion of the “Quality Record Keeping for Health Care Professionals” course sponsored by FMA, within 1 year of the order

Dr. Bellingar seconded the motion, which passed unanimously.

Tab 14 – Brad Edmund McCollom, D.O. – DOH Case #2009-20268 – Settlement Agreement

Allegations of Complaint: 456.072(1)(cc) – retained foreign body

Dr. McCollom was present and represented by Michael D’Lugo, Esq. Mr. Lawrence represented the Department and presented the case to the Board. Ms. Malan was recused due to participation on the Probable Cause Panel.

Action Taken: Dr. Rose moved to approve the Settlement Agreement as presented.

- Letter of Concern
- \$5000.00 fine
- \$3891.49 in costs
- Completion of 5 continuing education hours in Prevention of Medical Errors within 12 months
- Completion of continuing education course “Quality Record Keeping for Health Care Professionals” sponsored by FMA, within 12 months
- Lecture: Within 6 months present 1 hour lecture on retained foreign objects

Dr. Hayden seconded the motion, which passed unanimously.

Tab 15 – Robert John Meek, D.O. – DOH Case #2011-15165 – Settlement Agreement

Allegations of Complaint: 456.072(1)(c) – convicted of a crime related to the practice.

Dr. Meek was not present or represented by counsel. Mr. Lawrence represented the Department and presented the case to the Board.

Action Taken: Dr. Burns moved to waive appearance as required in the Settlement Agreement. Dr. Hayden seconded the motion, which passed with Dr. Bellingar and Dr. Rose opposed.

Additional Action Taken: Dr. Rose moved to reject the Settlement Agreement as presented. Dr. Burns seconded the motion which passed unanimously. Dr. Rose moved to offer a counter Settlement Agreement of revocation. Dr. Hayden seconded the motion which passed unanimously.

The respondent was given 14 days of the order to accept or reject the counter offer.

Tab 16 – Glenn Charles, D.O. – DOH Case #2010-18446 & 2010-22474 Settlement Agreement

Pulled from the agenda by the Department.

Tab 17 – Larry Michael Perich, D.O. – DOH Case #2008-14618 Settlement Agreement

Previously granted a continuance.

Tab 18 - Andrew M. Guidry, D.O. – DOH Case #2009-16025 – Informal Hearing

This item was pulled from the agenda due to lack of a quorum.

Tab 19 - Robert Raymond Reppy, D.O. – DOH Case #2010-01764 – Informal Hearing

Allegations of Complaint: Dismissed

Dr. Reppy was present without counsel. Dr. Hayden was recused due to participation on the Probable Cause Panel. Mr. Lawrence represented the Department and presented the case to the Board.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Rose seconded the motion, which passed unanimously. Dr. Burns moved to find that the respondent was properly served and requested an informal hearing before the Board. Dr. Rose seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Dr. Rose seconded the motion, which passed unanimously.

The Board heard testimony from the Respondent. Dr. Reppy agreed to waive attorney's fees in the event the Board dismissed the case.

Action Taken: Dr. Burns moved to dismiss this case. Ms. Malan seconded the motion which passed unanimously.

Ms. McNulty suggested he submit a new formal request for a payment plan to the Board for appropriate review.

Tab 20 - Robert Raymond Reppy, D.O. – DOH Case #2009-02997 – Informal Hearing

Allegations of Complaint: 459.015(1)(bb) (2008) – violate an order of the Board

Dr. Reppy was present without counsel. Mr. Lawrence represented the Department and presented the case to the Board.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Ms. Malan seconded the motion, which passed unanimously. Dr. Burns moved to find that the respondent was properly served and requested an informal hearing before the Board. Ms. Malan seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

The Board heard testimony from the Respondent.

Dr. Burns moved to adopt the conclusions of law by clear and convincing evidence as presented in the administrative complaint. Ms. Malan seconded the motion, which passed unanimously.

Action Taken: Dr. Rose moved to impose the following penalty:

- Reprimand

Dr. Burns seconded the motion which passed unanimously.

Additional Action Taken: Dr. Burns moved assess costs in the amount of \$362.73 to be paid within 6 months of the final order. Dr. Rose seconded the motion, which passed unanimously.

Tab 21 - Robert Raymond Reppy, D.O. – DOH Case #2008-24342 – Informal Hearing

Allegations of Complaint: 459.015(1)(bb) (2008)- violate an order of the Board

Dr. Reppy was present without counsel. Ms. Malan was recused due to participation on the Probable Cause Panel. Mr. Lawrence represented the Department and presented the case to the Board.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Rose seconded the motion, which passed unanimously. Dr. Rose moved to find that the respondent was properly served and an informal hearing before the Board. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

The Board heard testimony from the Respondent.

Dr. Rose moved to adopt the conclusions of law by clear and convincing evidence as presented in the administrative complaint. Dr. Burns seconded the motion, which passed unanimously.

Action Taken: Dr. Rose moved to impose the following penalty:

- Reprimand

Dr. Bellingar seconded the motion which passed unanimously.

Additional Action Taken: Dr. Burns moved assess costs in the amount of \$224.47 to be paid within 6 months of the final order. Dr. Rose seconded the motion, which passed unanimously.

Tab 22 – Harris M. Newman, D.O. – DOH Case #2011-05500 – Informal Hearing

Allegations of Complaint: 459.015(1)(b) –discipline in another state.; 456.072(1)(x) – fail to report criminal conviction.; 456.072(1)(c) – convicted of a crime related to the practice

Dr. Newman was not present or represented by counsel. Dr. Rose was recused due to participation on the Probable Cause Panel. Mr. Lawrence represented the Department and presented the case to the Board.

Dr. Bellingar moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Burns seconded the motion, which passed unanimously. Ms. Malan moved to find that the respondent was properly served and requested an informal hearing before the Board. Dr. Hayden seconded the motion, which passed unanimously. Ms. Malan moved to adopt the findings of fact as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously. Dr. Bellingar moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Burns seconded the motion, which passed unanimously.

Action Taken: Ms. Malan moved to revoke the license. Dr. Burns seconded the motion which passed unanimously.

Mr. Miller withdrew the Department's motion for costs.

Tab 23 – Susan Janet Hall, D.O. – DOH Case #2010-19928 - Informal Hearing

Allegations of Complaint: 459.015(1)(g) – fail to comply with a statutory/legal obligation; 459.015(1)(pp) – violate a law or rule of the Board by violating 459.0137 (practicing in an unlicensed pain management clinic)

Dr. Hall was present and represented by Steve Ballinger, Esq. Ms. Malan was recused due to participation on Probable Cause Panel. Mr. Lawrence represented the Department and presented the case to the Board.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to find that the respondent was properly served and requested an informal hearing before the Board. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

The Board heard testimony from the Respondent.

Dr. Burns moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Rose seconded the motion, which passed unanimously.

Action Taken: Dr. Hayden moved to impose the following penalty:

- Reprimand
- \$1000.00 Fine

Dr. Rose seconded the motion, which passed unanimously.

Dr. Rose moved the fine should be paid within 6 months. Dr. Burns seconded the motion which passed unanimously.

Additional Action Taken: Dr. Burns moved assess costs in the amount of \$452.42 to be paid within 6 months from the final order. Dr. Rose seconded the motion, which passed unanimously.

Tab 25 – Gary L. Waterman, D.O. – DOH Case #2009-17637 – Motion for Determination of Waiver Following Hearing

Allegations of Complaint: 459.015(1)(pp) – violate a law or rule of the Board; .

Dr. Waterman was not present but was represented by Jason Dvoracek, Esq. Ms. Malan was recused due to participation on Probable Cause Panel. Mr. Miller represented the Department and presented the case to the Board.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Rose seconded the motion, which passed unanimously. Dr. Burns moved to find that the respondent was properly served and waived their rights to a hearing. Dr. Rose seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Dr. Rose seconded the motion, which passed unanimously.

The Board heard testimony from the Respondent's attorney.

Dr. Burns moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Bellinger seconded the motion, which passed unanimously.

Action Taken: After discussion, Dr. Rose moved to impose the following penalty:

- Reprimand
- \$5000.00 fine to be paid within 1 year of the order
- Completion of continuing education course "Quality Record Keeping for Health Care Professionals" sponsored by FMA, within 12 months
- Completion of 1 hour Laws & Rules continuing education course within 12 months

Dr. Burns seconded the motion, which passed with Dr. Hayden opposed.

Additional Action Taken: Dr. Burns moved to assess costs in the amount of \$759.45 to be paid within 1 year of the order. Dr. Bellinger seconded the motion, which passed with Dr. Hayden opposed.

Tab 24 – Susan Janet Hall, D.O. – DOH Case #2011-02504 – Informal Hearing

Allegations of Complaint: 459.015(1)(x) - malpractice; 459.015(t) – inappropriate prescribing; 459.015(1)(o) – medical records violation.; 459.015(1)(pp) – violate a law or rule of the Board (64B15-14.005(3))

Dr. Hall was present and represented by Steve Ballinger, Esq. Dr. Hayden was recused due to participation on Probable Cause Panel. Mr. Lawrence represented the Department and presented the case to the Board.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Bellingar seconded the motion, which passed unanimously. Dr. Burns moved to find that the respondent was properly served and requested an informal hearing before the Board. Dr. Rose seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Ms. Malan seconded the motion, which passed unanimously.

The Board heard testimony from the Respondent.

Dr. Burns moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Rose seconded the motion, which passed unanimously.

Action Taken: Ms. Malan moved to revoke the license. Dr. Rose seconded the motion which passed with Dr. Bellingar opposed.

Mr. Miller withdrew the Department's motion for costs.

Tab 26 – Randy Lee Snodgrass, D.O. – DOH Case #2009-03790 – Motion for Determination of Waiver Following Hearing

Allegations of Complaint: 459.015(1)(g) – fail to comply with a statutory or legal obligation; 459.015(1)(pp) – violate a law or rule of the Board

Dr. Snodgrass was not present or represented by counsel. Ms. Malan was recused due to participation on the Probable Cause Panel. Mr. Miller represented the Department and presented the case to the Board.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to find that the respondent was properly served and waived their rights to a hearing. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact and conclusions of law as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

Action Taken: Dr. Rose moved to impose the following penalty:

- \$10,000.00 fine to be paid within 1 year of the order
- Suspension until he demonstrates compliance with the previous CME; must appear before the Board prior to reinstatement of license; the Board reserves jurisdiction to impose probation terms at the time of reinstatement
- Completion of the Laws and Rules course sponsored by the FMA within 1 year of the order

Dr. Burns seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Burns moved assess costs in the amount of \$793.47 to be paid within 1 year of the final order. Dr. Bellingar seconded the motion, which passed unanimously.

Tab 27 – James Paul Oakes, D.O. – DOH Case #2011-00257 – Motion for Determination of Waiver Following Hearing

Allegations of Complaint: 459.015(1)(t) – inappropriate prescribing; 456.072(1)(c) – convicted of a crime related to the practice

Dr. Oakes was not present or represented by counsel. Mr. Miller represented the Department and presented the case. Dr. Rose was recused due to participation on the Probable Cause Panel.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to find that the respondent was properly served and waived their rights to a hearing. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact and conclusions of law as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

Action Taken: Dr. Burns moved to revoke the license. Dr. Hayden seconded the motion which passed unanimously.

Mr. Miller withdrew the Department's motion for costs.

Tab 28 – Christopher G. Wayne, D.O. – DOH Case #2010-13491 – Motion for Determination of Waiver Following Hearing

Allegations of Complaint: 459.015(1)(g) – fail to comply with a statutory or legal obligation (rule 64F-12.012(3)(d), F.A.C. and 499.015(1)(c), F.S. – fail to maintain pedigree papers)

Dr. Wayne was present without counsel. Mr. Miller represented the Department and presented the case to the Board. Ms. Malan was recused due to participation on the PCP Panel.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Hayden seconded the motion, which passed unanimously. Dr. Hayden moved to find that the respondent was properly served and waived their rights to a hearing. Dr. Rose seconded the motion, which passed unanimously. Dr. Hayden moved to adopt the findings of fact as presented in the administrative complaint. Dr. Rose seconded the motion, which passed unanimously.

The Board heard testimony from the Respondent.

Dr. Burns moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Bellingar seconded the motion, which passed unanimously.

Action Taken: Dr. Rose moved to impose the following penalty:

- Reprimand
- Permanent restriction from holding a dispensing practitioner qualification
- \$1000.00 fine to be paid within 1 year of the order

Dr. Hayden seconded the motion which passed unanimously.

Additional Action Taken: Dr. Burns moved assess costs in the amount of \$461.66 to be paid within 1 year of the final order. Dr. Hayden seconded the motion, which passed unanimously.

Tab 29 – Gordon F. Bunker, D.O. – DOH Case #2011-02671 – Voluntary Relinquishment

Allegations of Complaint: 459.015(1)(pp) – violate a law or rule of the Board

Dr. Bunker was not present or represented by counsel. Ms. Malan was recused due to participation on the Probable Cause Panel. Mr. Miller represented the Department and presented the case to the Board.

Action Taken: Dr. Rose moved to accept the voluntary relinquishment of license. Dr. Burns seconded the motion which passed unanimously.

LICENSURE APPEARANCES

Tab 30 – Roddy Wilson, D.O.

Dr. Wilson was not present or represented by counsel. He submitted a request to withdraw his application.

Action Taken: Dr. Rose moved to accept the withdrawal request. Ms. Malan seconded the motion, which passed unanimously.

Tab 31 – William C. Bisset, D.O.

Dr. Bisset was not present as he appeared on Friday due to an error in his meeting notice.

Action Taken: Ms. Malan moved to ratify the decision of the Board to grant licensure. Dr. Bellingar seconded the motion which passed unanimously.

Tab 32 – Harold Troxler, D.O.

Dr. Troxler was present without counsel. Dr. Troxler was required to appear before the Board to discuss his application, probation during internship and medical condition. Ms. McNulty noted Dr. Troxler also submitted an application for a Physician in Training Registration and asked for clarification as to which application he wanted the Board to act on. Dr. Troxler indicated he wanted to withdraw the Physician in Training Registration application.

Action Taken: Dr. Hayden moved to accept the withdrawal of the Physician in Training Registration application. Ms. Malan seconded the motion which passed unanimously.

Dr. Troxler agreed to waive the 90 day requirement for action on his full licensure application.

Action Taken: Dr. Hayden moved to table the application for 6 months; require a PRN evaluation and compliance with all recommendations of the evaluation; and delegate authority to the Chair to review the PRN evaluation and either approve the issuance of the license or require an appearance. Dr. Rose seconded the motion, which passed unanimously.

OLD BUSINESS

NEW BUSINESS

Dr. Burns thanked Mr. Miller and Mr. Lawrence for their hard work. Dr. Burns also thanked the staff and other members of the Board for all of their hard work.

Dr. Rose voiced concern about the quality of compliance cases and questions that arise during the meetings. He indicated he would like Mr. Jusevitch to see if the compliance officer could appear at future meetings.

There being no further business the meeting adjourned at 2:40.